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PATENT

Technology Center 2600

Docket No. RSW920000148US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTORS: Michael D. Rahn and David B. Lection Examiner: Y. Pan
Art Unit: 2682
APPLICATION NO. 09/772,455
FILED: January 29, 2001
TITLE: CORDLESS COMMUNICATION BETWEEN PDA AND HOST
COMPUTER USING CRADLE

CERTIFICATE OF MAIL

I hereby certify that this paper is being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Commissioner for Patents, MAIL STOP APPEAL BRIEF-PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450, Attention: Board of Patent Appeals and Interferences on August 8, 2005.


Mark D. Simpson

Commissioner for Patents
MAIL STOP APPEAL BRIEF-PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

APPELLANTS' REPLY TO EXAMINER'S ANSWER

This Reply is in response to the Examiner's Answer mailed on June 7, 2005. Applicant believes that no fee is necessary for the submission of this Reply; however, if any fee is deemed as being due respecting this Reply, Applicant authorizing such fee to be charged to International Business Machines Corporation's Deposit Account No. 09-0461.

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1. RESPONSE TO EXAMINER'S ARGUMENTS

For the sake of simplicity, Applicant again summarizes the claimed invention:

The present invention is a method for cordless communication between a personal digital assistant (PDA) and a host device, such as a computer. In a preferred embodiment, a docking cradle is configured to facilitate the transmission/receipt of chat and email communications between the PDA and the host device, using cordless spread spectrum radio technology for the communication link between the PDA and the docking cradle. The communication link between the docking cradle and the host computer takes place via the wired connection between the cradle and the host computer. Thus, a user can remove the PDA from the docking cradle and remain virtually connected to the cradle via the cordless spread spectrum radio connection.

In the Examiner's Answer, the Examiner agrees with the Applicant that spread spectrum technology is inherently a cordless technology (see Examiner's Answer, page 8, lines 6-9). As Applicant stated in its Appeal Brief, the term "cordless" was added to the claims to keep the claim language consistent throughout the claim. Since the claim already inherently included the term "cordless" in connection with "spread spectrum radio technology", the claim amendment that added the term

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"cordless" could not have necessitated an additional search on the part of the Examiner, and thus the rendering of the final rejection was premature.

Regarding the Examiners assertions about the Johnson and Rouphael patents, claim 35 requires, *inter alia*, "communicating a signal between the host computer and the portable communications device **through the docking device** without docking of the portable communications device in the docking device, **using cordless spread spectrum radio technology.**" Claim 45 requires, *inter alia*, "computer-readable program code means for configuring a host computer and the portable communications device to perform cordless communication each other **through a docking device without requiring docking of the portable communications device in the docking device.**" Claim 48 and 49 require essentially the same claim elements quoted above with respect to claim 35.

Neither Johnson nor Rouphael teach or suggest these features, and this is punctuated by the quotations from these patents cited by the Examiner on page 9 of the Examiner's Answer. Nowhere in the quoted sections is there any mention of communication **through a docking device** using either cordless spread spectrum technology nor without requiring the device to be docked in the docking device. These patents are focused on the radio technology itself, and not on the claimed manner in which Applicant performs communications between the portable device and the host computer **via a docking cradle from which the portable device is removed.**

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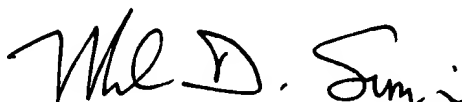
The Examiner uses the same flawed analysis on page 10 of the Examiner's Answer, in the argument presented regarding claim 48. The Examiner focuses on the chat function in the claim and disregards the manner in which the chat function is performed between the portable communication device and the host computer, that is, "... via the docking device, without docking of the portable communication device in the docking device, using cordless spread spectrum radio technology."

2. CONCLUSION

For the foregoing reasons and the reasons set forth in all papers of record, Applicants respectfully request this Board to overrule the Examiner's rejections and allow claims 36-38 and 40-49.

Respectfully submitted:

August 8, 2005
Date


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